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CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2304

Introduced by Assembly Member Huffman
(Coauthors: Assembly Members Eng and Ruskin)
(Coauthor: Senator Pavley)

February 19, 2010

An act to amend Sections 10752, 10753.5, and 10753.7 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 2304, as amended, Huffman. Groundwater management plans: components.

Existing law authorizes specified local agencies that provide water service to adopt and implement a groundwater management plan. Existing law requires a local agency that elects to develop a groundwater management plan to hold a hearing prior to adopting a resolution of intention to draft a plan and, after the plan is prepared, to hold a second hearing to determine whether to adopt the plan. Existing law requires the local agency to publish a specified notice before each of these hearings.

This bill would require the local agency, upon written request, to provide a copy of the proposed groundwater management plan to an interested person. The bill would require the local agency to provide each of those interested persons with a specified notice at least 30 days prior to the commencement of the second hearing to determine whether to adopt the plan. The bill would ~~also authorize an interested person to contact~~ *require the Department of Water Resources for, and would also authorize the department to provide, specified information relating to post on its Internet Web site the information the department possesses regarding the local agencies that have jurisdiction to develop groundwater management plans.*

Existing law requires a local agency seeking specified state funds *for certain groundwater projects* to include in a groundwater management plan various components, including components relating to the monitoring and management of groundwater levels within the groundwater basin.

~~This bill would add to the list of components that are required to be included in a groundwater management plan for the specified funding purposes~~ *would specify that the groundwater projects to which these requirements apply include projects that are part of an integrated regional water management program or plan. The bill, commencing January 1, 2012, would additionally require a map identifying the recharge areas, as defined, for the groundwater basin to be included in a groundwater management plan for purposes of the state funding requirements.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10752 of the Water Code is amended to
- 2 read:
- 3 10752. Unless the context otherwise requires, the following
- 4 definitions govern the construction of this part:
- 5 (a) "Groundwater" means all water beneath the surface of the
- 6 earth within the zone below the water table in which the soil is
- 7 completely saturated with water, but does not include water which
- 8 flows in known and definite channels.
- 9 (b) "Groundwater basin" means any basin or subbasin identified
- 10 in the department's Bulletin No. 118, dated September 1975, and

1 any amendments to that bulletin, but does not include a basin in
2 which the average well yield, excluding domestic wells that supply
3 water to a single-unit dwelling, is less than 100 gallons per minute.

4 (c) “Groundwater extraction facility” means a device or method
5 for the extraction of groundwater within a groundwater basin.

6 (d) “Groundwater management plan” or “plan” means a
7 document that describes the activities intended to be included in
8 a groundwater management program.

9 (e) “Groundwater management program” or “program” means
10 a coordinated and ongoing activity undertaken for the benefit of
11 a groundwater basin, or a portion of a groundwater basin, pursuant
12 to a groundwater management plan adopted pursuant to this part.

13 (f) “Groundwater recharge” means the augmentation of
14 groundwater, by natural or artificial means, with surface water or
15 recycled water.

16 (g) “Local agency” means a local public agency that provides
17 water service to all or a portion of its service area, and includes a
18 joint powers authority formed by local public agencies that provide
19 water service.

20 (h) “Recharge area” means the area that supplies water to an
21 aquifer in a groundwater basin and includes multiple wellhead
22 protection areas.

23 (i) “Watermaster” means a watermaster appointed by a court
24 or pursuant to other provisions of law.

25 (j) “Wellhead protection area” means the surface and subsurface
26 area surrounding a water well or well field that supplies a public
27 water system through which contaminants are reasonably likely
28 to migrate toward the water well or well field.

29 SEC. 2. Section 10753.5 of the Water Code is amended to read:

30 10753.5. (a) After a groundwater management plan is prepared,
31 the local agency shall hold a second hearing to determine whether
32 to adopt the plan. Notice of the hearing shall be given pursuant to
33 Section 6066 of the Government Code. The notice shall include a
34 summary of the plan and shall state that copies of the plan may be
35 obtained for the cost of reproduction at the office of the local
36 agency.

37 (b) At the second hearing, the local agency shall consider
38 protests to the adoption of the plan. At any time prior to the
39 conclusion of the second hearing, any landowner within the local

1 agency may file a written protest or withdraw a protest previously
2 filed.

3 (c) (1) Upon receipt of a written request prior to the
4 commencement of the second hearing, the local agency shall
5 provide an interested person with a copy of the proposed
6 groundwater management plan and maps identifying recharge
7 areas that are prepared pursuant to this part.

8 (2) At least 30 days prior to the commencement of the second
9 hearing, the local agency shall provide notice of the date, time,
10 and place of the second hearing, either by mail or electronically,
11 to each interested person who requests information pursuant to
12 paragraph (1) prior to that date.

13 ~~(3) An interested person may contact the department, either~~
14 ~~directly or through its Internet Web site, to obtain information~~
15 ~~regarding which local agency has jurisdiction to develop a~~
16 ~~groundwater management plan or map in the area in which the~~
17 ~~person is interested. The department may provide whatever~~
18 ~~information is readily available to it, including information it has~~
19 ~~collected pursuant to Section 10928, and may post that information~~
20 ~~on its Internet Web site consistent with Section 10930.~~

21 *(3) The department shall post on its Internet Web site, consistent*
22 *with Section 10930, the information the department possesses*
23 *regarding the local agencies that have jurisdiction to develop*
24 *groundwater management plans and maps pursuant to this part,*
25 *including information it has collected pursuant to Section 10928.*

26 SEC. 3. Section 10753.7 of the Water Code is amended to read:

27 10753.7. (a) For the purposes of qualifying as a groundwater
28 management plan under this section, a plan shall contain the
29 components that are set forth in this section. In addition to the
30 requirements of a specific funding program, a local agency seeking
31 state funds ~~for the construction of administered by the department~~
32 *for groundwater projects or groundwater quality projects, including*
33 *projects that are part of an integrated regional water management*
34 *program or plan, and excluding programs that are funded under*
35 *Part 2.78 (commencing with Section 10795), shall do all of the*
36 *following:*

37 (1) Prepare and implement a groundwater management plan
38 that includes basin management objectives for the groundwater
39 basin that is subject to the plan. The plan shall include components
40 relating to the monitoring and management of groundwater levels

1 within the groundwater basin, groundwater quality degradation,
2 inelastic land surface subsidence, and changes in surface flow and
3 surface water quality that directly affect groundwater levels or
4 quality or are caused by groundwater pumping in the basin.

5 (2) For purposes of implementing paragraph (1), the local agency
6 shall prepare a plan to involve other agencies that enables the local
7 agency to work cooperatively with other public entities whose
8 service area or boundary overlies the groundwater basin.

9 (3) For purposes of implementing paragraph (1), the local agency
10 shall prepare a map that details the area of the groundwater basin,
11 as defined in the department's Bulletin No. 118, and the area of
12 the local agency, that will be subject to the plan, as well as the
13 boundaries of other local agencies that overlie the basin in which
14 the agency is developing a groundwater management plan.

15 (4) (A) ~~For Commencing January 1, 2012, for~~ purposes of
16 implementing paragraph (1), the groundwater management plan
17 shall include a map identifying the recharge areas for the
18 groundwater basin.

19 (B) The local agency shall provide the map required pursuant
20 to subparagraph (A) to the appropriate local planning agencies
21 after adoption of the groundwater management plan.

22 (C) For purposes of this paragraph, "map identifying the
23 recharge areas" means a map that identifies, or maps that identify,
24 the current recharge areas that substantially contribute to the
25 replenishment of the groundwater basin. The map shall include a
26 description of how the recharge areas substantially contribute to
27 the replenishment of the groundwater basin.

28 (5) The local agency shall adopt monitoring protocols that are
29 designed to detect changes in groundwater levels, groundwater
30 quality, inelastic surface subsidence for basins for which
31 subsidence has been identified as a potential problem, and flow
32 and quality of surface water that directly affect groundwater levels
33 or quality or are caused by groundwater pumping in the basin. The
34 monitoring protocols shall be designed to generate information
35 that promotes efficient and effective groundwater management.

36 (6) Local agencies that are located in areas outside the
37 groundwater basins delineated on the latest edition of the
38 department's groundwater basin and subbasin map shall prepare
39 groundwater management plans incorporating the components in

1 this subdivision, and shall use geologic and hydrologic principles
2 appropriate to those areas.

3 (b) (1) (A) A local agency may receive state funds ~~for the~~
4 ~~construction of~~ *administered by the department for* groundwater
5 projects or for other projects that directly affect groundwater levels
6 or quality if it prepares and implements, participates in, or consents
7 to be subject to, a groundwater management plan, a basinwide
8 management plan, or other integrated regional water management
9 program or plan that meets, or is in the process of meeting, the
10 requirements of subdivision (a). A local agency with an existing
11 groundwater management plan that meets the requirements of
12 subdivision (a), or a local agency that completes an update of its
13 plan to meet the requirements of subdivision (a) within one year
14 of applying for funds, shall be given priority consideration for state
15 funds administered by the department over local agencies that are
16 in the process of developing a groundwater management plan. The
17 department shall withhold funds from the project until the update
18 of the groundwater management plan is complete.

19 (B) Notwithstanding subparagraph (A), a local agency that
20 manages groundwater under any other provision of existing law
21 that meets the requirements of subdivision (a), or that completes
22 an update of its plan to meet the requirements of subdivision (a)
23 within one year of applying for funding, shall be eligible for
24 funding administered by the department. The department shall
25 withhold funds from a project until the update of the groundwater
26 management plan is complete.

27 (C) Notwithstanding subparagraph (A), a local agency that
28 conforms to the requirements of an adjudication of water rights in
29 the groundwater basin is in compliance with subdivision (a). For
30 purposes of this subparagraph, an “adjudication” includes an
31 adjudication under Section 2101, an administrative adjudication,
32 and an adjudication in state or federal court.

33 (D) Subparagraphs (A) and (B) do not apply to proposals for
34 funding under Part 2.78 (commencing with Section 10795), or to
35 funds authorized or appropriated prior to September 1, 2002.

36 (E) A local agency may request state funds to map groundwater
37 recharge areas pursuant to paragraph (4) of subdivision (a) to the
38 extent that the request for state funds is consistent with eligibility
39 requirements that are applicable to the use of the requested funds.

1 (2) Upon the adoption of a groundwater management plan in
2 accordance with this part, the local agency shall submit a copy of
3 the plan to the department, in an electronic format, if practicable,
4 approved by the department. The department shall make available
5 to the public copies of the plan received pursuant to this part.

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